

Michigan Supreme Court
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John D. Ferry, Jr., State Court Administrator

Memorandum

DATE: March 12, 2001

TO: All Chief Circuit Judges
cc: Family Division Judges, Friends of the Court, Family Division Administrators,
and Circuit Court Administrators

FROM: John D. Ferry, Jr., State Court Administrator

SUBJ: SCAO Administrative Memorandum 2001-04: Non-Custodial Parent Work First Program
Replaces SCAO Administrative Memorandum 1998-05, Family Division Policy 1998-FD-2

Section 19 of the Friend of the Court Act [MCL 552.519; MSA 25. 176(19)] provides that the State Court Administrative Office, Friend of the Court Bureau, develop procedures for operation of Friend of the Court offices. MCL 552.503(6); MSA 25.176(6) states that each Friend of the Court shall take all necessary steps to adopt office procedures to implement this Act, Supreme Court rules, and recommendations of the Bureau.

The Non-Custodial Parent Work First Program (formerly known as the Unemployed Non-Custodial Parent Program) was implemented in 1998. This program provides an option for Friends of the Court attempting to enforce child support against non-custodial parents who are unemployed or underemployed. Since its inception, many of the program procedures and eligibility requirements have changed. Enclosed are the updated model procedures and recommended process.

Also included is a Guide to Implementing and Maintaining a Non-Custodial Parent Program at a Friend of the Court Office, a sample of a Memorandum of Understanding, and an updated Quarterly Statistical Report form. A list of all Michigan Works! agencies statewide can be found at <http://www.michiganworks.org/page.cfm/14>.

Should you have any questions or comments regarding the procedure for establishing or maintaining the Non-Custodial Parent Work First Program in your jurisdiction, please feel free to contact Toni Beatty, Management Analyst, Friend of the Court Bureau, at (517) 373-2137.

Enclosures

cc: Mark Jasonowicz, Deputy Director, Michigan Family Independence Agency
Ken Theis, Deputy Chief Information Officer, Family Independence Agency
Wallace Dutkowski, Director, Office of Child Support
Dr. Barbara Bolin, Director, Michigan Dept. of Career Development
Vicki Enright, Director, Office of Workforce Development, Michigan Dept. of Career Development
Janet Howard, Chief, Welfare Reform Division, Michigan Dept. of Career Development
Don Childs, Welfare Reform Program Coordinator, Michigan Dept. of Career Development

GUIDE TO IMPLEMENTING AND MAINTAINING A NON-CUSTODIAL PARENT PROGRAM AT A FRIEND OF THE COURT OFFICE

How does a Friend of the Court office start a Non-Custodial Parent Work First Program?

1. Designate a staff member to coordinate the program.

If no staff member is available, the Friend of the Court should schedule a meeting with the Michigan Works! agency to discuss staffing needs and any available funds to support such a position. The designated staff person should serve as the contact person for the Michigan Works! agency.

2. Enter into a Memorandum of Understanding with the Michigan Works! agency servicing your county.

The Friend of the Court should schedule a meeting with the Michigan Works! agency to discuss/draft/update the written Memorandum of Understanding. This document details the local agreement between the Michigan Works! agency and the Friend of the Court office and should contain any expectations that are mutually agreed upon. See sample Memorandum of Understanding. This agreement is normally for one year and can be amended as needed by mutual agreement. Should a Friend of the Court office encounter any difficulties in achieving a mutually agreeable Memorandum of Understanding, they should contact the Friend of the Court Bureau for assistance in facilitating an agreement. Friends of the Court should be aware that many Michigan Works! agencies service multiple counties and sometimes have funding agreements which are contingent upon having an executed Memorandum of Understanding in place with all counties being serviced. Failure to enter into an agreement with one county could jeopardize funding for another county.

3. Draft grant proposals to the Michigan Works! agency requesting any assistance you may need to make your program successful.

Assess the needs of the program in your county. Proposals are generally very brief. Contact your local Michigan Works! agency to review any specific format. The following are examples of types of grant requests previously submitted by Friend of the Court offices to their Michigan Works! agency:

- a. Computers
- b. Staff (including law enforcement officer assistance for recruitment)
- c. Office Furniture
- d. Office Space
- e. Mileage Expenses

4. Clarify the referral process with the Michigan Works! agency.

Electronic referrals to the program are required. A designated Friend of the Court staff person will be given an access code by their Michigan Works! agency to complete the Welfare Reform Registration Form via the Internet using the One-Stop Management Information System (OSMIS). Counties which are not linked to the Child Support Enforcement System (CSES) will be given a password by their Michigan Works! agency to accomplish the same tasks. Under either scenario, the Friend of the Court office staff may monitor the progress of participants in the program. The Michigan Department of Career Development and the State Court Administrative Office may also monitor progress and gather statistical data directly through the OSMIS. Friends of the Court should contact their Michigan Works! agency to schedule training on electronic referrals and to receive an access code or password.

What should a Friend of the Court office do to ensure that the program runs smoothly?

1. Schedule regular meetings with your Michigan Works! agency to receive updates and to discuss the status of the program.

All Friend of the Court office staff who make referrals to the Non-Custodial Parent Work First Program should have the opportunity to meet the Michigan Works! staff who provide services and vice versa. In addition, regular meetings should be held to address issues, review local data, and to adjust the program or referral process as needed.

2. Maximize referrals of judges and Friend of the Court staff.

Judges should be encouraged to refer non-custodial parents, where appropriate, from the bench. All Friend of the Court staff who impact enforcement should be encouraged to refer appropriate non-custodial parents to this program.

3. A designated Friend of the Court staff person should attend all training sessions offered in conjunction with the Non-Custodial Parent Work First Program.

This person must be capable of communicating best practices and policy or program changes to judges and other staff who impact the referral process.

4. Best practices should be developed which meet the needs of your local program and assist in increasing referrals.

Examples of tools used to increase referrals to the Non-Custodial Parent Work First Program in various Friend of the Court offices statewide include:

- Brochures/Posters (request these from your local Michigan Works! agency)
- Press Conferences

- Regular local newspaper coverage
- Advertising campaigns

5. Contact the Friend of the Court Bureau for assistance with any difficulties which arise in your program.

The Friend of the Court Bureau has a Management Analyst assigned to assist you with the Non-Custodial Parent Work First Program. S/he is a liaison with other government partners and can help you with questions or concerns.

How should a Friend of the Court office measure the success of their program?

1. Internal Data should be reviewed regularly.

Electronic data will be inputted by Friend of the Court staff at the time of referral. Friend of the Court offices will track data on the amount of child support received from referred non-custodial parents who complete the program, as well as child support amounts received from non-custodial parents who are referred but disclose to the Friend of the Court that they are already employed. Referral and child support collection data will be submitted to the State Court Administrative Office on a quarterly basis. Friends of the Court should review this data with their Michigan Works! agency, Friend of the Court staff, and judges for input on adjustments to the program to maximize success.

NON-CUSTODIAL PARENT WORK FIRST PROGRAM

Model Procedures and Recommended Process

I. Background

A. Funding and Administration

1. In 1998, the Michigan Department of Career Development designated a portion of the Personal Responsibility and Work Reconciliation Act funds to implement a program to impact non-custodial parents who were not meeting their support obligations.
2. The program is a cooperative effort of the Family Independence Agency, the Michigan Department of Career Development, the 25 Michigan Works! agencies statewide, the State Court Administrative Office, and Friend of the Court offices.

B. Cases Eligible for Participation

1. The non-custodial parent must be unemployed or underemployed. This factor is to be determined by the local Friend of the Court before referring the non-custodial parent to the local Michigan Works! agency.
2. The non-custodial parent is unable to meet his/her support obligation.
3. Friends of the Court may wish to develop local requirements to be met before referrals are made. A list of issues the Friends of the Court may consider as possible “deletes” referred to the program include, but are not limited to:
 - a. Incarcerated non-custodial parents,
 - b. Those with a legitimate doctor’s excuse, depending on the type and expected duration of the injury,
 - c. Those receiving SSI or who have been otherwise determined to have a disability that prevents employment,
 - d. Non-custodial parent with a pending bankruptcy, unless that parent agrees to participate in the program voluntarily,
 - e. Non-custodial minor parents if school requirements would prevent participation (Michigan Works! agencies consider those under age 14 to be unemployable),
 - f. Non-custodial parents who have not completed some minimal level of education (to be determined by local office),
 - g. Out-of-state non-custodial parents.

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4. Friends of the Court often experience difficulties with enforcing child support orders against non-custodial parents who are “self-employed” but claim inability to pay support because of insufficient income. Friends of the Court may refer underemployed non-custodial parents who consider themselves self-employed. The issue of self-employment will be addressed by Michigan Works! agencies early in the referral process. A minimum level of time spent working and money earned will be required by Michigan Works! for program participants to end their involvement with the Michigan Works! agency. It is important that each office of the Friend of the Court address this issue with their local Michigan Works! agency to decide how self-employed non-custodial parents should be handled in making referrals.

II. Referrals to the Program

- A. The Friend of the Court will determine an appropriate process for selecting non-custodial parents to be referred. Suggested methods include:
 1. A judge or referee may require non-custodial parents to participate on a penalty of contempt through order to show cause hearings. Some counties may wish to use the local sheriff's department to encourage attendance. For example, they could send a sheriff to a non-custodial parent's house if that parent did not appear on the first day of the program. Friends of the Court are encouraged to discuss funding options for this alternative with their Michigan Works! agency.
 2. Investigators and caseworkers may recruit non-custodial parents for referral to the program through several possible methods, four of which may include:
 - a. A direct referral to the program by the caseworker where the non-custodial parent wishes to participate voluntarily.
 - b. Enclosing information regarding the program with notices that an order to show cause hearing has been scheduled. Non-custodial parents may be encouraged to contact the agency to show good faith before their hearing date. Information on the program and a telephone number could be inserted on mailings from the Friend of the Court office. Information regarding the program should also be placed in the Friend of the Court office waiting room. Friend of the Court offices may also secure brochures about the program from their local Michigan Works! agency.

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- c. Caseworkers may send notices to non-custodial parents advising them to contact the Friend of the Court to report employment information or for referral to a Michigan Works! agency for job training and placement. Specific enforcement alternatives should be detailed.
 - d. In a situation where participation is not voluntary and for the referral to carry the authority of contempt for non-participation, caseworkers should refer the non-custodial parent to the program through the order to show cause hearing. At the hearing, a referee or judge can order participation.
 - 3. Friends of the Court should generate lists of eligible non-custodial parents to be referred to the program. In counties where contacting the number of eligible participants would be cost prohibitive, counties may wish to contact their local Michigan Works! agency to discuss available funding to defray costs. Friends of the Court may be requested to submit a short proposal for funding to their local Michigan Works! agency.
 - 4. Each Michigan Works! Agency and Friend of the Court will come up with a definition of how many non-custodial parents can be referred to the program within defined time periods, with a goal toward providing service to all eligible non-custodial parents at some point during the program. An appearance rate of 50 percent has been the experience in past Michigan Works! agency programs and should be anticipated when making referrals.
 - 5. Friends of the Court will work with one of 25 local Michigan Works! agencies offering workforce development services. A list of the 25 Michigan Works! agencies is found at <http://www.michiganworks.org/page.cfm/14>. Non-custodial parents living outside of the county in which enforcement takes place should be referred to the Michigan Works! program in the county where they reside.
 - 6. Incentives for participation: Chief Judges may establish policies regarding what incentives to offer participants for participation.
- B. Roles of Michigan Works! Agency
- 1. If a non-custodial parent does not appear for program orientation, it is the responsibility of the Michigan Works! Agency to enter the information into the Michigan Department of Career Development's "One-Stop Management Information System" (OSMIS) by completing a "Daily Did Not Attend Orientation by Region or County" (FOC416-B) data form.

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If a non-custodial parent fails to participate in the program after completion of orientation, the Michigan Works! agency is to terminate the non-custodial participant and enter the information into the OSMIS by completing a "Termination Listing Report by Region, County or FOC" (FOC725) data form. This information is available to Friends of the Court via the OSMIS and can be reviewed to decide whether they warrant traditional enforcement.

2. The Michigan Works! agency typically contracts with outside entities to provide workforce development services.

C. Role of the Family Independence Agency

1. The Family Independence Agency will provide the Michigan Works! agency with the custodial parent's court docket number associated with the non-custodial parent. The Michigan Works! agency can query a data file from the Child Support Enforcement System (CSES) using the court docket number to verify the payee's public assistance history, if applicable.

III. Monitoring participation

A. Format for Monitoring

1. Friend of the Court offices will have access to the Welfare Reform Registration Form via the Internet and can electronically refer non-custodial parents to the appropriate Michigan Works! agency. Designated Friend of the Court staff will be given an access code by their Michigan Works! agency to perform electronic referrals via the Internet using the OSMIS. Friend of the Court offices that are not linked to the CSES, but have Internet access, will be given a password by their Michigan Works! agency to perform electronic referrals using the OSMIS. Friend of the Court offices must work with their Michigan Works! agency to obtain this access to the OSMIS.

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Michigan Works! agencies may provide funding for a computer for this project to be located at Friend of the Court offices. Friends of the Court should contact their local Michigan Works! agency for more information. Data should be entered by Friend of the Court or Michigan Works! agency staff (depending on the negotiated agreement between the two). This electronic referral method would allow referrals to be made between the parties with the lowest error rate, since data would only have to be entered once. Reports such as FOC415, FOC416-A, FOC426-B, FOC725 and FOC730 can be obtained by the Friend of the Court by use of the OSMIS, to decide, on a daily basis, whether a non-custodial parent attended the program

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orientation, terminated from the Michigan Works! program for non-participation, or to obtain employment placement statistics on non-custodial parents placed in jobs through the Michigan Works! agencies.

2. The Friend of the Court must provide data to the Friend of the Court Bureau on the child support amounts collected from non-custodial parents referred to Michigan Works! agencies. This information will be provided to the Michigan Department of Career Development on a quarterly basis, using the "Quarterly Statistical Report of the Non-custodial Parent Work First Program" to provide quantitative evidence of the success of the Non-Custodial Parent Work First Program.

B. Once a non-custodial parent is electronically referred to a Michigan Works! agency, the Friend of the Court will be able to immediately access the record of that non-custodial parent to decide whether they are actually participating in the Non-Custodial Parent Work First Program. The Michigan Works! agencies and the Friends of the Court can access OSMIS reports to determine when any of the following occur:

1. The non-custodial parent refuses referral or participation because he or she is already working. (It is anticipated that 20 to 80 percent of program referrals will already be employed). The identifying court docket number/case information, employer name, and address should be inputted into the OSMIS for access by the Friend of the Court to track the non-custodial parent who was already employed when referred to the Michigan Works! agency.

An income withholding order should be issued, with the Friend of the Court monitoring payments pursuant to the recommended procedure discussed below in the evaluation section.

- a. Individuals who are self-employed, but claim inability to pay due to costs associated with "starting up a business", should be monitored carefully for three months.
- b. If a regular payment history is not established, that case should be referred to the Michigan Works! agency – by a "show cause" proceeding – so that the non-custodial parent can obtain regular employment.
- c. The Friend of the Court should enter an income withholding order. If they do not receive payments within a time defined by the local Friend of the Court, not to exceed six weeks, they should schedule the case for an order to show cause hearing.

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2. The Friend of the Court should review the OSMIS regularly to decide whether a non-custodial parent is participating in the program pursuant to A or B above. During the period the non-custodial parent is in training with the Michigan Works! agency, the Friend of the Court should not enter an income withholding order or an order to show cause. Immediately, upon completion of the program, the Michigan Works! agency will update the non-custodial parent's program record in the OSMIS. The Friend of the Court can immediately access the non-custodial parent's program information in the OSMIS. The following are possible alternatives and responses:
 - a. The non-custodial parent is referred and selected to participate and finds employment.
 - b. Immediately upon the program's completion, the Michigan Works! agency records the information in the OSMIS. The Friend of the Court should review the information on OSMIS to determine the employer and the employer's address.
 - c. The Friend of the Court should immediately enter an income withholding order and monitor the case pursuant to the recommended procedure discussed below regarding evaluation.
3. The non-custodial parent is referred and selected to participate and follows program requirements, but does not find employment.
 - a. The Friend of the Court should not hold an order to show cause hearing or enter an order for income withholding while the non-custodial is actively participating in the Michigan Works! agency program.
 - b. Immediately upon terminating a non-custodial parent from the program, after placement in employment for 90 days or for failure to participate, the Michigan Works! agency should update the OSMIS to record the termination information that the non-custodial parent was placed in employment or was terminated for non-participation.
 - c. The Friend of the Court should proceed with traditional enforcement pursuant to its statutory duties.
4. The non-custodial parent is selected to participate and fails to complete the program.

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- a. On an on-going basis, by use of the OSMIS, the Friend of the Court can determine whether a non-custodial parent was terminated by the Michigan Works! agency for failure to participate.
- b. The Friend of the Court should proceed with traditional enforcement.

IV. Case Follow Up

- A. The Friend of the Court's statutory duty to investigate and possibly modify a support order may be triggered if employment placement is made either at a rate of pay below or above the level when the support order was entered. The support investigation process may be commenced in additional situations when provided as an incentive for participation in the program (see discussion in sections II and III above).
- A. The Friend of the Court should decide locally when they should appropriately refer cases back to the Michigan Works! agency.
 - 1. For example, in cases with prior ineligibility due to a pending bankruptcy or temporary medical problem, the Friend of the Court may wish to refer the non-custodial parent to the program when the issue is resolved.
 - 2. In cases when the non-custodial parent failed to complete the program, the Friend of the Court should determine on a case-by-case basis whether referral back to the Michigan Works! agency would be appropriate.

V. Tracking and Evaluating Results

- A. **Evaluation Requirement:** Friends of the Court will be allocating already limited resources to evaluating cases and making referrals to the Michigan Works! agencies. It is to the benefit of the court's funding unit, Friend of the Court offices, and the funded Michigan Works! agency to ensure that the program is a success. Each Friend of the Court office will complete traditional referral or electronic referral information and internally track child support amounts collected from referred non-custodial parents.
- B. **Evaluating Data:** The State Court Administrative Office, Friends of the Court, the Michigan Department of Career Development, and the Family Independence Agency will each have access to non-custodial parent data inputted into the OSMIS by Friend of the Court office staff. Friends of the Court will be required to maintain information on child support amounts collected from referred non-custodial parents and other data. They will submit this data on a quarterly basis to the Friend of the Court Bureau.

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1. Friends of the Court should track the following information and submit to the Friend of the Court Bureau on a quarterly basis:
 - a. The total number of eligible non-custodial parents referred to a Michigan Works! agency.
 - b. The total number of non-custodial parents referred to a Michigan Works! agency who disclosed to the Friend of the Court that they were already employed.
 - c. The total amount of child support received from non-custodial parents referred to a Michigan Works agency who disclosed that they were already employment to the Friend of the Court.
 - d. The total amount of child support received from non-custodial parents referred to a Michigan Works! agency who attended orientation and found employment.
2. The Friend of the Court Bureau will evaluate this data and any additional data collected for use in assessing the program, its procedures and to determine the need for any changes.

C. Evaluation of Results

1. Friend of the Court evaluations of each case will be done internally. At a minimum, each Friend of the Court should evaluate their program quarterly. The evaluations will serve the dual purpose of prompting additional enforcement where needed and determining the success of the program to date.
2. Friends of the Court should internally track how much of the court's resources are expended to collect the dollars received on individual cases, noting the time spent on the case and the estimated actual cost. This should help the Friends of the Court in assessing needs should a proposal for funding to the Michigan Works! agency become necessary.

Michigan Works! Region 7B Consortium
Friend of the Court
Family Independence Agency

Subject: Non-Custodial Parent Program

Upon verification from the Friend of the Court (FOC) that a non-custodial parent (NCP) of minor children who is receiving TANF assistance is in arrearage on child support due to unemployment or underemployment, FOC will refer the NCP to the Michigan Works! Region 7B Consortium for orientation and participation in the non-custodial parent program. The goal of the NCP program is to assist participants with securing employment so they may comply with child support payments.

The referral will include the NCP's name, social security number, gender, ethnic group, highest grade completed, veteran status (i.e. "yes" or "no"), last known address, date of birth, phone number, custodial parent's TANF case number, alternate contact (if available), and the county in which the custodial parent received assistance. The referral may be mailed. The FOC will notify the NCP of the referral to the program and provide them with the toll-free number (1-800-285-WORK) that they will call to learn when and where the next orientation will be held. A NCP program orientation will be held at least every five working days.

The Michigan Works! program service provider will provide a schedule of orientation dates, times, and location to the FOC. The NCP must attend the orientation within ten working days of the referral by the FOC. The Michigan Works! program service provider will notify the FOC of attendance and the start date for the NCP. After attending the orientation, the NCP will be enrolled into the program. Services provided to NCPs include, but are not limited to, assessment, job seeking skills training, job search, job leads, supportive services (e.g. transportation assistance and work clothing), on-the-job training, and post-employment training. All NCPs will be required to search for employment as their first assignment.

The program service provider will provide the FOC with information pertaining to the NCP's participation in the program. This includes information regarding orientation attendance, employment, non-compliance, and eligibility (i.e. if the NCP is ineligible). This information will be provided within five working days from when the service provider obtains the information.

The FOC, Family Independence Agency, Michigan Works! Region 7B Consortium, and the NCP program service provider agree to share information as appropriate to determine eligibility, provide services to participants, and meet the goals of the program.

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Michigan Works! Region 7B Consortium	

<hr/>	<hr/>	Date: <hr/>
Family Independence Agency	County	

<hr/>	<hr/>	Date: <hr/>
Friend of the Court	County	

<hr/>	Date: <hr/>
NCP Program Services Provider	